

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL KILGORE (a/k/a BRIAN
BURNETT),

Defendant.

No. CR17-203-JCC-2

~~[PROPOSED]~~

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Entry of
a Final Order of Forfeiture ("Motion") for the following property ("Subject Property"):

1. \$68,211.18 in funds seized on or about July 25, 2017, by the United States Secret Service, from Bank of America account number XXXXXXXXX9392, held in the name of DEK Group LLC; and
2. One cashier's check in the amount of \$265,704.95, seized on or about August 30, 2017, by the United States Secret Service, which represents 100% of the interest of DEK Group LLC in the proceeds of the sale of the real property located at 101 West Hermosa Drive, San Gabriel, California 91775.

1 The Court, having reviewed the United States' Motion, as well as the other
 2 pleadings and papers filed in this matter, hereby FINDS entry of a Final Order of
 3 Forfeiture is appropriate because:

- 4 • On June 3, 2021, Defendant entered a plea of guilty to Conspiracy to
 5 Commit Bank Fraud, as charged in Count 1 of the Superseding
 6 Information, in violation of 18 U.S.C. § 371 (Dkt. Nos. 362, 369);
- 7 • In his Plea Agreement, Defendant agreed to forfeit his interest in all
 8 property constituting or derived from proceeds traceable to the offense,
 9 including the Subject Property, pursuant to 18 U.S.C. § 982(a)(2)(A), by
 10 way of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (Dkt. No. 369);
- 11 • On August 20, 2021, the Court entered a Preliminary Order of Forfeiture
 12 finding the Subject Property forfeitable pursuant to 18 U.S.C.
 13 § 982(a)(2)(A), by way of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.
 14 § 2461(c),¹ and forfeiting the Defendant's interest in it (Dkt. No. 376);
- 15 • Thereafter, the United States published notice of the pending forfeitures as
 16 required by 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure
 17 32.2(b)(6)(C) (Dkt. No. 392) and provided direct notice to a potential
 18 claimant as required by Fed. R. Crim. P. 32.2(b)(6)(A) (*see* Declaration of
 19 AUSA Krista K. Bush in Support of Motion for a Final Order of Forfeiture,
 20 ¶ 2, Exhibit A); and,
- 21 • The time for filing third-party claims has expired, and none were filed.

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 27 ¹ The Preliminary Order of Forfeiture contains a typographical error: "21 U.S.C. § 2461(c)" should
 read "28 U.S.C. § 2461(c)."

1 NOW, THEREFORE, THE COURT ORDERS:

2 1. No right, title, or interest in the Subject Property exists in any party other
3 than the United States;

4 2. The property is fully and finally condemned and forfeited, in its entirety, to
5 the United States;

6 3. The United States Department of Treasury and/or their representatives, are
7 authorized to dispose of the property as permitted by governing law; and

8 4. The Court will retain jurisdiction for the purpose of enforcing the Orders of
9 Forfeiture as necessary pursuant to Federal Rule of Criminal Procedure 32.2(e).

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11 IT IS SO ORDERED.

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13 DATED this 10th day of February 2023.

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17 John C. Coughenour
18 UNITED STATES DISTRICT JUDGE
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20 Presented by:

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